



US Army Corps
of Engineers
St Paul District

APPLICANT: Bear Creek
Cranberry, LLC

Public Notice

ISSUED: 25 March 2004
EXPIRES: 24 April 2004

REFER TO: 04-03305-BCN

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 11.3 acres of farmed wetland adjacent to Bear Creek for the construction of cranberry beds at an existing cranberry marsh.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 30093 Grosbeak Avenue
Tomah, WI 54660

PROJECT LOCATION: The project site is located in Sections 4 and 5, T. 17N., R. 1E., Monroe County, Wisconsin. The approximate UTM coordinates are Zone 15, North 4873000, East 709000. The site is about two miles west of the City of Oakdale, Wisconsin.

DESCRIPTION OF PROJECT: In 1997, the Corps issued a permit (1996-06966-BCN) to the applicant for the discharge of fill material into Bear Creek for the construction of an earthen dam to create a new reservoir. At that time, the applicant constructed cranberry beds on an upland agricultural field. The permitted reservoir project provided water for the new cranberry beds.

In 1998, the applicant proposed to construct an additional 48 acres of beds in an agricultural field with 11.3 acres of farmed wetland. Corps permit 1998-05157-BCN was issued with an expiration date of December 31, 2001. The applicant did not start the work and the Corps permit expired.

The applicant is re-applying for the work previously authorized by the expired permit (1999-05157-BCN). The area proposed for construction is currently in agricultural production. The proposed beds would impact four scattered farmed wetland basins that total 11.3 acres. The applicant would also excavate a 15 acre upland field area next to Bear Creek to create a second reservoir and also to obtain the fill material for the cranberry beds (see attached drawing page 2 of 3).

MITIGATION: The applicant proposes to mitigate for the loss of 11.3 acres of farmed wetland at a 20-acre site located in section 6, T17N, R1E, Monroe County, Wisconsin. This mitigation plan is the same plan that was previously approved by the Corps in permit 1998-065157-BCN. This 20-acre site is a prior converted wetland and has numerous drain tile that provide drainage of the site. In addition,

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there is a ditch located on the east and north sides of the field. The ditch on the east side of the parcel would be completely filled, while the ditch on the north would have a control structure to regulate water levels. This control structure would allow run-off water from upstream properties to flow through the property. A portion of the mitigation site would be excavated to create shallow water areas. The remainder of the site would be seeded to wetland grasses and forbs.

This proposed mitigation site abuts an existing 160 acre wetland mitigation effort that was undertaken by two other parties.

VEGETATION IN AFFECTED AREA: The wetlands are farmed and typically planted to corn.

SOURCE OF FILL MATERIAL: The material for bed construction would be obtained by dredging of the upland reservoir next to Bear Creek.

SURROUNDING LAND USE: Rural residential/agricultural.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, Attn: CO-R, 1114 South Oak Street, La Crescent, MN 55947-1338.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Bruce Norton at the La Crescent office of the Corps, telephone number (507) 895-8059.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Monroe County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Gray wolf (T)	Northern forested areas
Northern monkshood (T)	North-facing slopes
Karner blue butterfly (E)	Prairie, oak savanna, and jack pine area with wild lupine

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This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because Bear Creek is part of the tributary system to the Wisconsin River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

6. WATER QUALITY CERTIFICATION.

This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for water quality certification.

A permit will not be granted until the Wisconsin Department of Natural Resources has issued Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

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The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

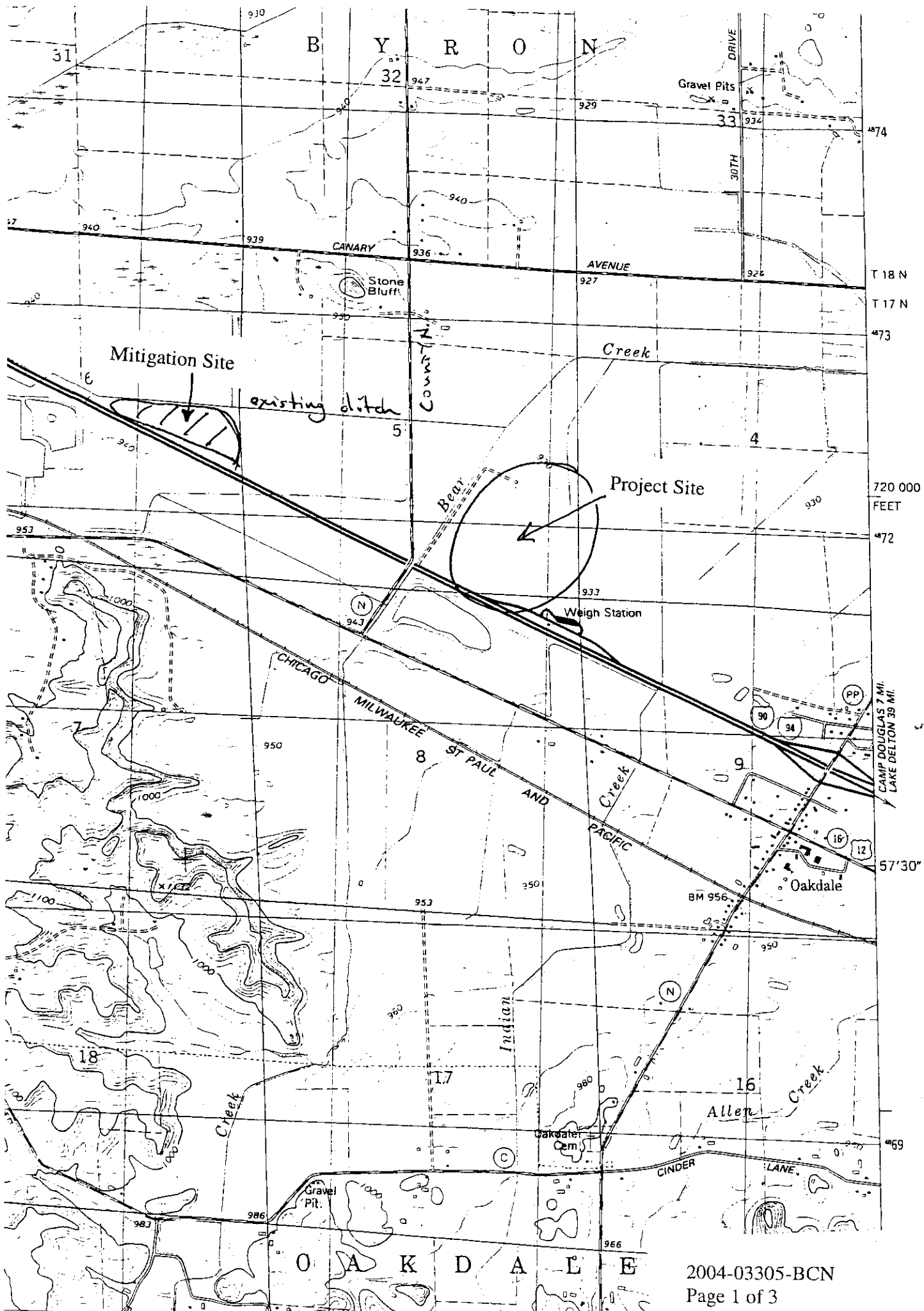
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

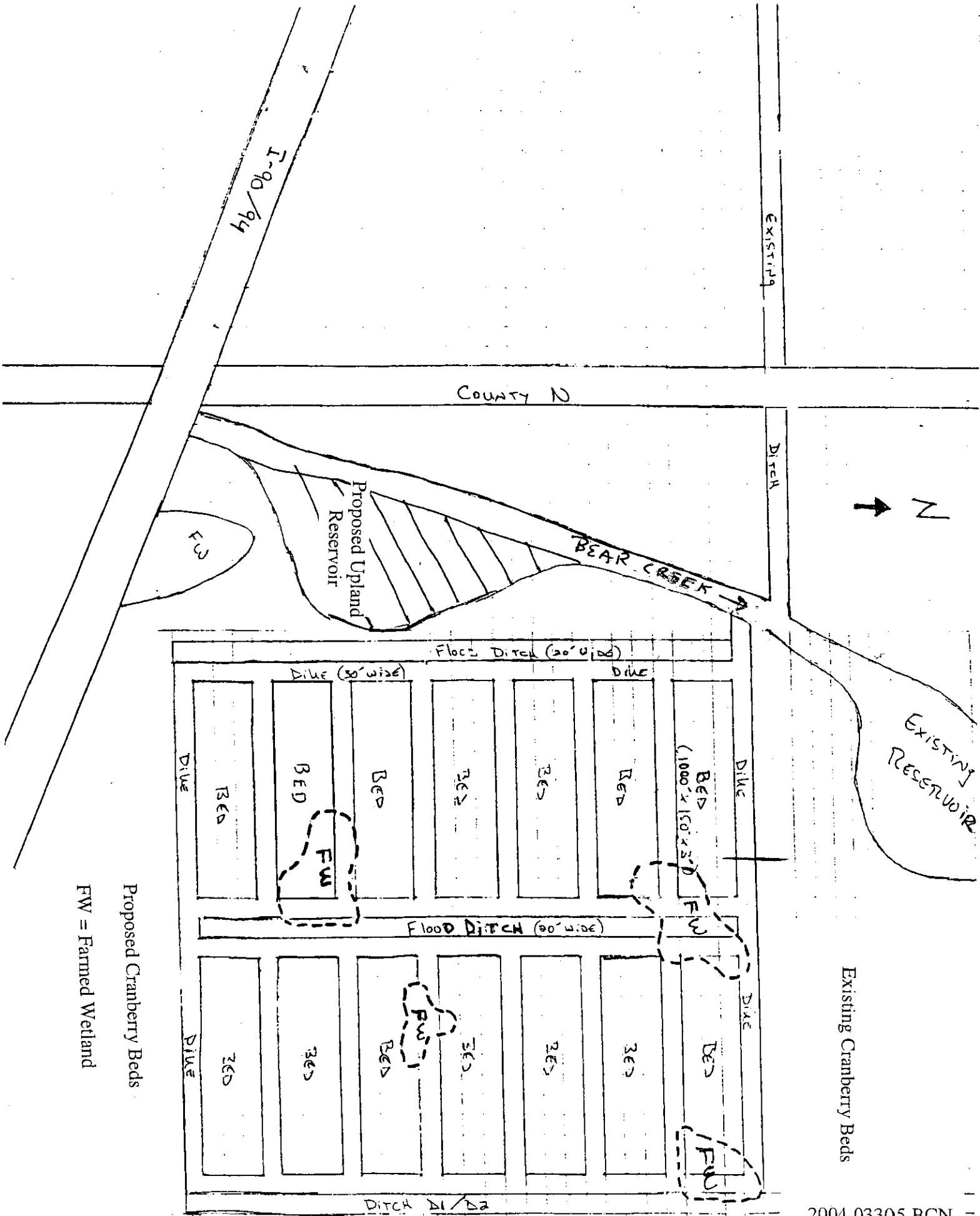


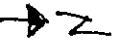
Juliett Denton
Chief, Out-State Minnesota Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.







160 ACRES OF EXISTING
WETLAND MITIGATION BY OTHERS
(NOT RELATED TO PROJECT)

